finds that BellSouth has remedied the collocation concerns previously expressed by the FCC.

Furthermore, BellSouth met the applicable benchmarks for *every* collocation measure and sub-metric in March, April, May, and June 2001.[7] Consistent with the FCC's views, the Commission believes BellSouth's collocation performance data is compelling evidence that BellSouth is complying with the Act's interconnection requirements. *See SWBT-TX Order*, ¶ 64.

AT&T's reliance upon BellSouth's Collocation Handbook in challenging BellSouth's compliance with Checklist Item 1 is misplaced. As BellSouth has explained, the Collocation Handbook is only a resource guide to aid CLECs seeking to collocate with BellSouth; it does not control the rates, terms, or conditions of BellSouth's provision of collocation nor is it the "legally binding document" upon which BellSouth relies for 271 purposes. *Gray Reply Affidavit,* ¶¶ 5-56. AT&T does not criticize the collocation terms and conditions set forth in BellSouth's interconnection agreements or SGAT, which contain BellSouth's legally binding obligations with respect to collocation.

Although AT&T alleges that BellSouth intentionally places collocation space as far as possible from the interconnection frames specifically to increase CLECs' collocation costs, the Commission finds that there is no evidence to support this allegation. The same is true with respect to AT&T's claim that BellSouth fails to meet the requirements of the FCC's rules by not offering off-site adjacent collocation and not providing shared collocation in the appropriate manner. The Commission notes that the FCC's rules do not require "off-site adjacent location." Nor do the FCC's rules require

[7] Docket No. 7892-U Performance Measurements [Average Response Time (E.1.1.1and E.1.1.2), Average Arrangement Time (E.1.2.1-E.1.2.5)and % Due Dates Missed (E.1.3.1 and E.1.3.2)].

shared collocation in the manner urged by AT&T. *Deployment of Wireline Services Offering Advanced Telecommunications Capability, First Report and Order and Further Notice of Proposed Rulemaking*, FCC 99-48, 14 FCC Rcd 4761, ¶ 41 (1999) ("*Advanced Services Order*"). The Commission believes that BellSouth provides collocation consistent with the FCC's rules and has complied fully with its collocation obligations.

Although both AT&T and NewSouth complain about the charges for physical collocation, the Commission finds that that BellSouth's space preparation fees and charges for DC power are consistent with the Commission's Order in Docket No. 7061-U. The Commission will revisit collocation fees and charges in Docket No. 14361-U in which the Commission has issued a Procedural and Scheduling Order with hearings contemplated in December 2001. In the meantime, the Commission notes that BellSouth filed revised interim collocation rates with its latest SGAT on August 27, 2001, which result in lower non-recurring collocation rates.

(d) Other Issues

In the Commission's view, the other interconnection-related issues raised by the CLECs do not warrant a finding that BellSouth has failed to comply with its obligations under Checklist Item 1. This is not the proper forum to consider Access Integrated's complaints about the FCC's rules or the conduct of Congress in adopting the Federal Act.

Although concerned about Access Integrated's allegations of misconduct by BellSouth in attempting to "win back" customers who have left BellSouth, the Commission notes that many of the affidavits filed by Access Integrated involve incidents that occurred almost one year ago. Furthermore, BellSouth has responded to each instance of alleged misconduct raised by Access Integrated, some of which

BellSouth disputes, and described in detail the steps BellSouth has taken to ensure that such incidents do not reoccur. *Ruscilli Reply Affidavit,* JAR-1, at 2. The Commission is reviewing BellSouth's "win back" efforts in greater detail in Docket No. 14232-U and will establish guidelines and limitations where necessary.

The Commission finds unconvincing Cbeyond's allegations that BellSouth has violated the parties' Interconnection Agreement. Furthermore, although Cbeyond complains that BellSouth has breached the terms of the parties' agreement by imposing additional third-party provider SS7 charges for non-local intrastate calls, the tariff about which Cbeyond complains was withdrawn in Georgia. *Ruscilli Reply Affidavit,* ¶¶ 12-14.

(5) Conclusion

The Commission concludes that BellSouth has demonstrated compliance with Checklist Item 1.

B. Checklist Item No. 2: Unbundled Network Elements

(1) Overview

Pursuant to Checklist Item 2, a BOC is required to provide "nondiscriminatory access to network elements" on an "unbundled basis at any technically feasible point" and at "rates, terms and conditions that are just, reasonable, and nondiscriminatory." 47 U.S.C. § 271(c)(2)(B)(ii). Section 252(c)(3) of the Telecommunications Act of 1996 requires that BellSouth provide CLECs with access to unbundled network elements at any technically feasible point and must allow CLECs to combine these elements to provide telecommunications services. 47 U.S.C. § 252(c)(3). Both the FCC and this

Commission have held that a CLEC's ability to use unbundled network elements, as well as combinations of network elements, is integral to promoting competition in the local telecommunications market.

In evaluating compliance with Checklist Item 2, the FCC has focused primarily on access to OSS. *See SWBT-TX Order,* ¶¶ 91-92; *SWBT-KA/OK Order,* ¶ 45. The FCC has stated that a BOC's OSS are themselves network elements that must be unbundled and provided to CLECs. In addition, nondiscriminatory access to OSS is crucial to a BOC's compliance with a number of checklist items, although the FCC reserves its analysis of specific unbundled network elements for the separate discussions that deal with specific network elements, *i.e.*, unbundled local loops (checklist item 4), unbundled local transport (checklist item 5) and unbundled local switching (checklist item 6). *See Second Louisiana Order,* at ¶¶ 80-84; *SWBT-TX Order,* ¶ 92. In short, the requirement that a BOC provide nondiscriminatory access to its OSS is essential to satisfying the requirements of the competitive checklist. *See Second Louisiana Order*, at ¶ 84.

CLECs need nondiscriminatory access to an ILEC's OSS to formulate and place orders for network elements or resale services, to install service to their customers, to maintain and repair network facilities, and to bill customers. *SWBT-TX Order,* ¶ 92. OSS includes the systems, information and personnel that support network elements or services offered for resale. *Bell Atlantic-NY Order,* ¶¶ 81-85, n. 202. For OSS functions with analogous BOC retail services, the BOC must provide access that permits CLECs to perform functions in "substantially the same time and manner" as the BOC retail representatives. *SWBT-TX Order,* ¶ 94; *Bell Atlantic-NY Order,* ¶ 85. For OSS functions that have no retail analogue, the FCC will examine whether they are "sufficient to allow

an efficient competitor a meaningful opportunity to compete." *SWBT-TX Order,* ¶ 95; *Bell Atlantic-NY Order,* ¶ 86. A "meaningful opportunity to compete" is assessed by a review of applicable performance standards. *Second Louisiana Order,* ¶ 87*; SWBT-TX Order,* ¶ 95.

The FCC has articulated the legal standard by which it evaluates the sufficiency of a BOC's deployment of OSS. First, it must determine whether the BOC has deployed the necessary systems and personnel to provide sufficient access to each of the necessary OSS functions and whether the BOC is adequately assisting CLECs to understand how to implement and use all of the OSS functions available to them. Next, it determines whether the OSS functions that the BOC has deployed are "operationally ready," as a practical matter. *See Second Louisiana Order,* ¶ 85*; see also Bell Atlantic-NY Order,* ¶ 87.

To meet this legal standard, the FCC has developed a two-step test. Under the first step, a BOC "must demonstrate that it has developed sufficient electronic interfaces (for functions that the BOC accesses electronically) and manual interfaces to allow competing carriers equivalent access to all of the necessary OSS functions." *SWBT-TX Order,* ¶ 97. Evidence that this standard has been met includes: the provision of specifications necessary for CLECs to build systems to communicate with the BOC's systems; disclosure of internal business rules and formatting information to ensure the CLEC's orders are processed efficiently; and, proof of sufficient capacity to accommodate both current demand and projected demand for competing carrier's access to OSS functions. *Id.*

Under the second part of this test, the FCC examines performance measurements and other evidence of commercial readiness to ascertain whether the BOC's OSS is handling current demand and will be able to handle reasonably foreseeable future volumes. The FCC has emphasized in this regard that "[t]he most probative evidence that OSS functions are operationally ready is actual commercial usage." *Second Louisiana Order,* ¶ 86; ¶ 92 ("The most critical aspect of evaluating a BOC's OSS is the actual performance results of commercial usage"); *see also SWBT-TX Order,* ¶ 98. In the absence of commercial usage, the FCC will consider carrier-to-carrier testing, independent third party testing, and internal testing to demonstrate commercial readiness. *Id.* at ¶ 86.

(2) BellSouth Comments

(a) Nondiscriminatory Access to OSS

BellSouth asserts that it provides nondiscriminatory access to its OSS for pre-ordering, ordering, provisioning, maintenance and repair, and billing. To process manual and partially mechanized local service requests ("LSRs"), BellSouth has six main CLEC centers. *Ainsworth Affidavit,* ¶ 4. The Local Carrier Service Center ("LCSC") handles the pre-ordering and ordering portion of a local request submitted manually or as a result of mechanized fallout, and passes this information along to either the BellSouth Customer Wholesale Interconnection Network Service Center ("CWINS") or the Data Customer Support Center ("DCSC"). The CWINS or DCSC handles the provisioning or maintenance portion of a local request. Some centers, such as the Complex Resale Support Group ("CRSG"), the Intelligent Network Service Center ("INSC"), the Local Interconnection Service Center ("LISC") and the DCSC, interface with a variety of

centers to provide a particular type of service. Each of these centers utilizes the same methods and procedures, accesses the same databases, and receives the same training in support of CLECs across all nine states. *Ainsworth Affidavit,* ¶ 4. There are more than 1,000 employees in BellSouth's LCSC operations, which, for the year 2000, processed an average of 99,122 LSRs each month. *Ainsworth Affidavit,* ¶ 9.

In addition, BellSouth makes available to CLECs electronic interfaces to access BellSouth's OSS, which, according to BellSouth, are being used today at significant commercial volumes. *OSS Affidavit of William Stacy,* ¶ 171 ("*Stacy-OSS Affidavit*"). According to BellSouth, CLECs submitted over 1,000,000 pre-ordering transactions and over 290,000 LSRs in March 2001. *Stacy-OSS Affidavit,* ¶ 172. In the first quarter of 2001, the number of OCNs using Electronic Data Interchange ("EDI") ranged from 26 to 36 and the number using the Telecommunications Access Gateway ("TAG") ranged from 59 to 71.[8] *Id. at* ¶ 39. BellSouth asserts that the significant number of users of EDI and TAG, combined with the high commercial usage of the interfaces, demonstrates that BellSouth's OSS are operationally ready. BellSouth also asserts that the operational readiness of its OSS was confirmed by the third-party OSS test conducted by KCI. *Id. at* ¶ 440.

Consistent with FCC requirements, BellSouth asserts that it provides the documentation and support necessary to provide competing carriers nondiscriminatory access to its OSS. BellSouth states that it provides CLECs with a variety of different means by which CLECs can learn about BellSouth's systems and processes, including written guides and manuals; training classes; web-based training; and help desks. *Stacy-*

OSS Affidavit, ¶ 26-43. BellSouth's business rules for placing electronic and manual LSRs are contained in the *BellSouth Business Rules for Local Ordering* or the *Local Exchange Ordering Implementation Guide*, depending on which software release the CLEC is using. According to BellSouth, it also has made the Universal Service Ordering Codes ("USOCs") and Field Identifiers ("FIDs") available in the USOC Manual available in several formats on BellSouth's interconnection website, including a format that allows CLECs to download and import the manual into commonly-used database programs. *Stacy-OSS Affidavit,* ¶¶ 29-34. BellSouth offers a variety of training classes for CLECs, and has conducted over 300 training classes since 1998. For the year 2000, BellSouth offered over 100 training classes offered. These classes were attended by more than 1,100 individuals representing 152 CLEC companies. *Stacy-OSS Affidavit*, ¶ 44. The average CLEC ranking of the effectiveness and efficiency of BellSouth's training classes was a 4.6 out of a possible 5. *Stacy-OSS Affidavit*, ¶ 55.

(i) Pre-Ordering Functions

Pre-ordering is the exchange of information between BellSouth's systems and the CLEC to assist the CLEC in interacting with its end-user customer. Pre-ordering generally includes those activities that a carrier undertakes with a customer to gather and verify the information necessary to formulate an accurate order for that customer. It includes the following functions: (1) street address validation; (2) telephone number information; (3) services and features information; (4) due date information; and, (5) customer service record information. *See Second Louisiana Order at ¶ 94.*

[8] According to BellSouth, the OCN is an alphanumeric code assigned by the National Exchange Carrier Association, and some CLECs, particularly those operating in more than one state, have more than one OCN.

BellSouth currently offers CLECs their choice of electronic interfaces – TAG, RoboTAG™, and Local Exchange Navigation System ("LENS") – which provide CLECs with real time access to the same pre-ordering databases used by BellSouth's retail representatives. BellSouth's pre-ordering interfaces allow CLECs to perform the following functions: (1) retrieve customer service records; (2) validate addresses; (3) select and reserve telephone numbers; (4) determine services and features available to a customer; (5) obtain due date availability; (6) access loop qualification information; and, (7) view a customer's directory listing. *Stacy-OSS Affidavit*, ¶ 132. According to BellSouth, commercial usage provides evidence that CLECs are using BellSouth's pre-ordering interfaces. For example, for January and February 2001, CLECs submitted 688,930 and 933,308 pre-ordering transactions via LENS and TAG, respectively. *Stacy-OSS Affidavit*, ¶ 137.

The FCC has held that a BOC must provide pre-ordering functionality through an application-to-application interface to enable CLECs to "conduct real-time processing and to integrate pre-ordering and ordering functions in the same manner as the BOC." *See Second Louisiana Order*, ¶ 105; *SWBT-TX Order*, ¶ 14. The FCC previously criticized BellSouth for not having an "application-to-application" interface. *Second Louisiana Order*, ¶ 96. However, since the *Second Louisiana Order*, BellSouth asserts that it has made available TAG, which is a pre-ordering application-to-application interface. TAG, which was developed in response to specific requests from mid-sized and large CLECs, provides a standard Application Programming Interface ("API") to BellSouth's pre-ordering, ordering and provisioning OSS. TAG is based on Common

Object Request Broker Architecture ("CORBA"), which is one of the industry protocols for pre-ordering. *Stacy-OSS Affidavit*, ¶¶ 17-18.

For CLECs wishing to use TAG for pre-ordering, ordering and provisioning but not to develop and maintain their own TAG interface, BellSouth provides RoboTAG™. RoboTAG™ provides a standardized, browser-based interface to the TAG gateway that resides on a CLEC's LAN server, and integrates pre-ordering and ordering with up-front editing. BellSouth made RoboTAG™ available in November 1999. *Stacy-OSS Affidavit*, ¶ 20.

Finally, BellSouth offers the graphical user interface ("GUI") LENS. LENS is an option for those CLECs that have made the business decision not to integrate pre-ordering, ordering and provisioning interfaces with their internal OSS. LENS is a web-based GUI. As of January 14, 2000, LENS became a GUI to the TAG gateway. LENS uses TAG's architecture and gateway, and therefore has TAG's pre-ordering functionality for resale services and UNEs, and TAG's ordering functionality for resale services. LENS also uses TAG's ordering functionality for designed and nondesigned unbundled analog loops, digital unbundled loops, and loop-port combinations. *Stacy-OSS Affidavit*, ¶¶ 22-23.

During pre-ordering, BellSouth asserts that it provides CLECs with nondiscriminatory access to the same detailed loop makeup information ("LMU") that is available to its retail units either electronically or manually. *Stacy-OSS Affidavit*, ¶ 86; *SWBT-KA/OK Order*, ¶ 121 (BOC must provide CLECs with access to all the same detailed information about the loop that is available to itself). BellSouth provides this information electronically through TAG and LENS, by which CLECs can access the

information contained in the Loop Facility Assignment and Control System ("LFACS"). Using the functionality in TAG or LENS, CLECs can request loop makeup information on existing facilities that are owned by the requesting CLEC or BellSouth, on new or spare facilities that are owned by BellSouth, or can create and cancel reservations for new or spare facilities owned by BellSouth. BellSouth asserts that it successfully beta-tested electronic access to LMU with four CLECs before its general release to the industry in February 2001. *Stacy-OSS Affidavit*, ¶ 164.

According to BellSouth, CLECs are making full use of BellSouth's electronic access to LMU. In January 2001, CLECs region-wide issued 2,572 queries for electronic LMU, and 4,556 queries in February 2001. *Stacy-OSS Affidavit*, ¶ 89. In March 2001, CLECs issued 4,841 electronic queries for loop makeup information. BellSouth completed 100% of those inquiries within 5 minutes, which is well above the applicable benchmark established by the Commission. In April and May 2001, CLECs submitted 1,576 and 879 electronic queries for loop makeup information, respectively, and BellSouth completed 100% of those queries within 5 minutes in each month. *See* Monthly State Summary, Docket No. 7892-U.

(ii) Ordering Functions

Ordering is the process whereby a CLEC requests facilities or services from BellSouth and then receives information such as a confirmation indicating that the order has been accepted. 47 C.F.R. § 51.5. In addition to TAG, RoboTAG™, and LENS, BellSouth offers EDI, which is an industry-standard electronic ordering interface. According to BellSouth, actual commercial usage of BellSouth's ordering OSS has been extensive. In 2000, CLECs sent 2,886,673 LSRs to BellSouth electronically. In March

2001, BellSouth received over 290,000 LSRs through electronic interfaces. *Stacy-OSS Affidavit*, ¶ 172. As of March 2001, 32 CLECs were using EDI; 59 were using TAG; and 281 were using LENS. *Id. at*, ¶ 171.

BellSouth asserts that its performance data shows that CLECs can have a high level of confidence that LSRs submitted to BellSouth will receive either a FOC or a reject notice. For example, in April 2001, the bulk of the mechanized LSRs BellSouth received were for loop-port combinations and Other Non-Designed elements (10,031 and 7,483 orders, respectively). BellSouth returned either a FOC or a reject notice on 95.77% of the mechanized loop-port combination LSRs and 99% of the mechanized other non-designed LSRs, both of which exceeded the Commission's benchmark. *See* Monthly State Summary, Docket No. 7892-U.

BellSouth also asserts that it provides CLECs with FOC and reject notices in a timely manner. According to BellSouth, it provided mechanized FOCs within the benchmark for loop-port combinations and Other Non-Design in both March and April 2001. In addition, BellSouth provided timely FOCs for partially mechanized and manual orders for every product category for which there was data in both March and April. *Id.*

With respect to reject intervals, BellSouth points out that it met the benchmark for mechanized reject intervals in March 2001 for ISDN loops; 2-wire analogue loops /Non-Design; and 2-wire analogue loops w/LNP/Design. In April 2001, BellSouth met the benchmark for loop-port combinations; ISDN loops; 2-wire analog loops/Non-Design; and Other-Design. Moreover, in April 2001, 95.10% of the rejected LSRs for Other-Non-Design receive a reject notice in one hour, which is very close to the 97% benchmark. In March and April 2001, BellSouth met the reject benchmark for *all*

partially mechanized LSRs. With respect to manual LSRs, BellSouth met the benchmark for all but xDSL and line sharing in March; in April and May 2001, BellSouth met the benchmark for both of these categories.

BellSouth asserts that its performance data also demonstrate that BellSouth provides CLECs with parity of service with respect to order flow-through. *BellSouth Direct Comments p. 29*; *see Second Louisiana Order,* ¶ 116. A competing carrier's LSRs "flow through" if they are transmitted electronically through the gateway and accepted into BellSouth's back office ordering systems without manual intervention. *Second Louisiana Order,* ¶ 107. BellSouth argues, as the FCC has recognized, that a relatively low flow-through rate for certain orders is not, in and of itself, an indication that CLECs are being denied access to BellSouth's ordering systems. *BellSouth Direct Comments p. 29*; *see SWBT-TX Order,* ¶ 181. BellSouth argues that it is providing FOCs and rejects in a timely manner, particularly in the partially mechanized and manual categories, which, according to BellSouth, is compelling evidence of nondiscriminatory performance. *BellSouth Direct Comments, ps. 28-29*; *see SWBT-TX Order,* ¶ 181 ("a BOC's ability to return timely order confirmation and rejection notices, accurately process manually held orders and scale its systems is more relevant and probative for analyzing the BOC's ability to provide access to its ordering functions than a simple flow-through analysis").

As required by the FCC, BellSouth points out that it has implemented the ability to process orders for partial migrations in such a way as to provide an efficient competitor a meaningful opportunity to compete. *BellSouth Direct Comments, p. 30*; *see Second Louisiana Order,* ¶ 144. Today, CLECs can order both initial and subsequent partial migrations electronically. CLECs have been able to send LSRs for resale or UNE

initial partial migrations since BellSouth implemented EDI in December 1996. In March 1999, BellSouth enhanced the capabilities of EDI, TAG and LENS to assist CLECs with electronic ordering of subsequent partial migrations. *Stacy-OSS Affidavit*, ¶¶ 176-78. The fields BellSouth added are industry standard enhancements, which, according to BellSouth, fully address the FCC's concerns about partial migrations.

BellSouth also provides electronic ordering for xDSL and line-sharing. According to BellSouth, the processes for ordering unbundled xDSL-compatible loops and line-sharing are analogous to those for ordering unbundled loops. After conducting carrier-to-carrier testing with four CLECs, and correcting the defects uncovered in that testing, BellSouth released the electronic ordering capability for xDSL loops into production for all CLECs on February 12, 2001. *Stacy-OSS Affidavit*, ¶¶ 183-88. BellSouth made electronic ordering for line-sharing available in September 2000. BellSouth offered carrier-to-carrier testing to all CLECs participating in the line-sharing collaborative, but only one CLEC engaged in testing this capability with BellSouth. *Stacy-OSS Affidavit*, ¶¶ 189-91.

(iii) Provisioning Functions

Provisioning involves the exchange of information between telecommunications carriers where one executes a request for a set of products and services, or UNEs, or combination thereof from the other with attendant acknowledgments and status reports. 47 C.F.R. § 51.5. BellSouth states that there are no separate provisioning interfaces because provisioning is internal to BellSouth once the order has been submitted. Indeed, for most orders from CLECs, according to BellSouth, the provisioning systems and

processes are the same as those BellSouth uses for its own retail orders. *BellSouth Direct Comments, p. 31.*

While there are no separate provisioning interfaces, BellSouth provides CLECs with jeopardy notifications, order completions, and other order status information. *Stacy-OSS Affidavit,* ¶¶ 233-49; *See also Bell Atlantic-NY Order,* ¶ 185 (BOC must allow CLECs access to order status and jeopardy information). BellSouth asserts that it provides these notices in a timely manner. *BellSouth Direct Comments, p. 31.*

(iv) Maintenance and Repair Functions

BellSouth asserts that it offers CLECs electronic interfaces for trouble reporting, which provide CLECs with access to the maintenance and repair functions in substantially the same time and manner as BellSouth offers access for its retail customers. *See SWBT-KA/OK Order,* ¶¶ 161-162 (BOCs must furnish CLECs with access to all of the repair and maintenance OSS functions the BOCs provide to themselves). BellSouth offers such access through its Trouble Analysis Facilitation Interface ("CLEC TAFI") and Electronic Communications Trouble Administration ("ECTA Local"). TAFI is the same system BellSouth uses for its retail units. According to BellSouth, TAFI and ECTA Local provide CLECs electronic access to maintenance and repair OSS in a manner that far exceeds what Bell Atlantic provided to CLECs at the time of its 271 application. *Stacy-OSS Affidavit,* ¶ 131.

According to BellSouth, CLECs are using these interfaces in commercially significant volumes. In 2000, 31 CLECs used TAFI to enter 251,900 trouble reports. *Stacy-OSS Affidavit,* ¶ 22. In addition, KCI found that BellSouth had satisfied all of the

evaluation criteria related to maintenance and repair functions. KPMG Final MTP Report, Section VIII.

BellSouth asserts that its end users and CLEC end users experience troubles at roughly the same rate. CLECs had fewer customer trouble reports in March, April, and May for loop-port combinations (dispatch and non-dispatch) and all sub-metrics of 2-wire analog loops as compared to the applicable BellSouth retail analogue. In addition, BellSouth performed above the applicable retail analogue in most months for xDSL (dispatch and non-dispatch) loops and line sharing. *See* Monthly State Summary, Docket No. 7892-U.

When CLEC customers experience a problem with their service, BellSouth asserts that it repairs the problem in virtually the same time that it takes to repair problems for its retail customers. In March 2001, BellSouth met or exceeded the retail analogue for Missed Repair Appointments in 11 of the 13 product categories for which data was reported. In April 2001, BellSouth met or exceeded the retail analogue for Missed Repair Appointments in every sub-metric for which data was reported, including the two sub-metrics BellSouth missed in March. *Id.* BellSouth met or exceeded the retail analogue for Missed Repair Appointments in 16 of 17 product sub-metrics for which data was reported in May 2001. *Id.*

On Maintenance Average Duration, BellSouth asserts that it met or exceeded the retail analogue in 11 of the 13 sub-metrics for which data was reported in March 2001. In April 2001, BellSouth met or exceeded the retail analogue for Maintenance Average Duration in 15 of the 16 sub-metrics for which data was reported; the exception was local interoffice transport – nondispatch, for which there were less than 10 maintenance and

repair opportunities in April. *Id.* In May 2001, BellSouth met or exceeded the retail analogue for Maintenance Average Duration in every product category for which data was reported. *Id.*

Finally, BellSouth asserts that in virtually every case in which it fixes a trouble, CLEC end-user lines experience less repeat troubles than BellSouth end-user lines. BellSouth notes that it met or exceeded the retail analogue for Percent Repeat Troubles Within 30 Days for 10 out of 13 of the sub-metrics for which data was reported in April 2001. Of particular significance, BellSouth's performance met the applicable analogue for loop-port combinations, xDSL-capable loops, and 2-wire analog loops (both dispatch and nondispatch). *Id.* BellSouth met or exceeded the retail analogue for Percent Repeat Troubles Within 30 Days in all 17 of the sub-metrics for which data was reported in May. *Id.*

(v) Billing Functions

For those services for which BellSouth bills its retail and interexchange carrier customers, BellSouth asserts that it uses the same systems to generate billing information for competing carriers that it uses for its own retail operations. *Scollard Affidavit*, ¶ 5. BellSouth provides CLECs with usage data by three means: the Optional Daily Usage File ("ODUF"); the Access Daily Usage File ("ADUF"); and, the Enhanced Optional Daily Usage File ("EODUF"). These daily usage files were designed to provide CLECs with usage records for billable call events that are recorded by BellSouth's central offices. *Id.* BellSouth asserts that these interfaces allow a CLEC to process call records in its billing systems in substantially the same time and manner that BellSouth processes these types of records in its own systems. *BellSouth Direct Comments, p. 34.*

According to BellSouth, there is a high level of commercial usage of BellSouth's billing processes by CLECs. Region-wide, BellSouth produces approximately 5,500 bills a month for approximately 338 different CLECs. *Scollard Affidavit*, ¶ 24. BellSouth asserts that its performance data demonstrates BellSouth's ability to provide billing functionality in substantially the same time and manner BellSouth provides such information to itself and carrier bills in a manner that gives competing carriers a meaningful opportunity to compete. In March, April, and May 2001, BellSouth's invoice accuracy for CLECs exceeded that for BellSouth's retail units. In addition, while it took BellSouth .04 days longer in March to deliver invoices to CLECs than to the retail units, BellSouth provided invoices faster to CLECs than to BellSouth retail units in April and May. *See* Monthly State Summary, Docket No. 7892-U.

(b) Third-Party Test

In addition to the levels of commercial usage of BellSouth's OSS, BellSouth contends that the independent third-party test conducted by KCI provides further evidence of BellSouth's compliance with Checklist Item 2. KCI evaluated BellSouth's OSS based upon 1,175 evaluation criteria, concluding "that no deficiencies creating potentially material adverse impacts on competition currently exist in the Test categories of Pre-Ordering, Billing, Maintenance and Repair, Capacity Management, Change Management and Flow-Through." Further, in the Ordering and Provisioning categories, KCI noted in its opinion letter that "all evaluation criteria have been satisfied except those in three areas...." *KCI March 20, 2001 Letter to Commission in Docket No. 8254-U, p. 2*; *see Stacy-OSS Affidavit*, ¶¶ 159-160. For those three areas, KCI noted that the

Commission would "be able to monitor these issues on an ongoing basis through performance measures and/or penalty plans in place to address [them]." *Id.*

According to BellSouth, the majority of the criteria KCI found to be not satisfied can be classified into two main groups. First, the results of certain unsatisfied criteria have been supplanted by commercial data, primarily because of changes BellSouth has made to its OSS and processes since the KCI test was concluded. Because commercial data is more probative than testing, BellSouth insists that KCI's findings on these criteria are less significant. *Stacy-OSS Affidavit*, ¶ 306.

A second group of criteria relates to the accuracy of partially mechanized orders. While BellSouth does not dispute that this is an important factor for CLECs, BellSouth takes issue with KCI's interpretation of the test data for these criteria as they relate to the actual impact to the CLEC's end user. According to BellSouth, KCI's view of order accuracy overstates the actual customer impact by counting one error on an LSR that contains multiple items as a wholly incorrect LSR rather than assessing the impact of the one error in the context of the other ordered items. *Stacy-OSS Affidavit*, ¶ 307.

Nevertheless, BellSouth insists that it has recognized the need to improve the accuracy and timeliness of its manual handling of orders. In response to this need, BellSouth has established the Quality and Accuracy Team, which is composed of approximately 35 people. The purpose of the team is to support the LCSC in achieving higher levels of accuracy that lead to increased efficiency, improved flow through, increased customer satisfaction, and fewer complaints, expedites, and escalations. According to BellSouth, the team monitors LSR fallout to help the LCSC improve the handling of LSRs that drop out for manual handling due to errors. BellSouth notes that,

from September 1, 2000, when the Quality and Accuracy team began its work, to March 28, 2001, the number of LSRs requiring monitoring by the team was reduced by 92%. *Stacy-OSS Affidavit,* ¶ 330.Increasing the number of LSRs that flow through, rather than fall out for manual handling, will improve the accuracy and timeliness for partially mechanized orders.

In response to this Commission's January 12, 2001 Order in Docket No. 7892-U, BellSouth and the CLECs formed a cooperative Flow Through Improvement Task Force. The objective of the task force is to enhance the flow through of electronic orders, document those enhancements, and develop a schedule for implementing the enhancements. The task force is operating as a subcommittee of the Change Control Process ("CCP") and has held on-going meetings. *Stacy-OSS Affidavit,* ¶ 333.

BellSouth also notes that, if it does not complete orders in an accurate and timely manner, this failure would result in inaccurate billing, which would be captured by the Invoice Accuracy performance measure reported by BellSouth. According to BellSouth's performance measurements results for the Invoice Accuracy measure, these partially mechanized issues do not have a disproportionate impact on CLEC customers. *Stacy-OSS Affidavit,* ¶ 334.

BellSouth insists that it has taken KCI's issuance of the "not satisfied" criteria seriously and has conducted an extensive analysis of each such criterion. The results of this analysis are set forth in detail in the *Stacy-OSS Affidavit,* ¶¶ 311-436. BellSouth asserts that it has addressed KCI's concerns and, where necessary, has implemented process improvements to ensure future compliance. BellSouth contends that its

performance data demonstrate that BellSouth is providing a level of service that gives CLECs a meaningful opportunity to compete in the local market.

(c) Change Management Process

BellSouth asserts that its change management process satisfies Checklist Item 2, which requires that a BOC demonstrate that it has in place an adequate change management process to which it adheres over time. Specifically, according to BellSouth: (1) information relating to the change management process is clearly organized and readily accessible to CLECs; (2) CLECs had substantial input in the design and continued operation of the change management process; (3) the change management plan defines a procedure for the timely resolution of change management disputes; (4) the change management process provides for the availability of a stable testing environment that mirrors production; and, (5) the documentation BellSouth makes available for the purpose of building an electronic gateway is useable. *Stacy-OSS Affidavit*, ¶¶ 97-98; *Stacy Performance Measurements Affidavit*, ¶¶ *42-63*.

As part of its third-party test, KCI tested BellSouth's change management process. KCI found that BellSouth had satisfied each evaluation criteria related to change management. KCI Final MTP Report, at VIII-A-15 – VIII-A-23. In particular, KCI found that the information relating to change management is organized and readily accessible to CLECs. *Id.*

Although BellSouth's change management process has evolved since it first began in 1997, BellSouth points out that CLECs have had substantial input throughout the process. *Stacy-OSS Affidavit*, ¶¶ 64-78. The change management process is memorialized and set forth in a single document and is available at BellSouth's change

control website. *Id. at* ¶¶ 79-80. The current document was updated by vote of the members of the CCP and issued on May 18, 2001. Id. at ¶ 78.

In March and May 2001, BellSouth provided 100% of its change management documentation on time and only missed two of the change management performance measures for which data was reported. BellSouth asserts that its overall change management performance, coupled with the improvement initiatives it is undertaking to improve its performance on those measures for which it did not meet the applicable benchmark, dictate that the Commission should find that BellSouth's notification and documentation timeliness is sufficient to allow an efficient competitor a meaningful opportunity to compete.

BellSouth also asserts that that its versioning process satisfies the requirements of the FCC, which has held that a satisfactory versioning process is essential to a BOC's demonstration that its change management plan affords competing carriers a meaningful opportunity to compete. *SWBT-TX Order,* ¶ 115. BellSouth's process contains a versioning policy that enables CLECs to transition to newer versions of its electronic interfaces on a schedule that is convenient for them. *Stacy-OSS Affidavit,* ¶ 102. BellSouth's policy is to support two industry standard versions of these electronic interfaces. *Stacy-OSS Affidavit,* ¶ 103. Whenever BellSouth retires a version of these interfaces, BellSouth will notify the CLECs 120 days in advance. A CLEC, however, may inform the CCP that it needs an extension by explaining how the retirement date affects its business. *Id. at* ¶ 105. BellSouth claims that its versioning policy provides CLECs with significant assurance that changes to the interfaces will not disrupt CLECs' use of BellSouth's OSS. *SWBT-KA/OK Order,* ¶ 167 ("versioning enhances SWBT's

change management plan by providing significant additional assurance that changes will not disrupt competing carriers' use of the SWBT's OSS").

BellSouth also asserts that it provides CLECs with an open and stable testing environment for the machine-to-machine electronic interfaces. *Stacy-OSS Affidavit*, ¶¶ 107-16. As of December 2000, more than 20 CLECs have utilized this test environment. *Stacy-OSS Affidavit*, ¶ 107. On April 23, 2001, BellSouth released a new testing environment for functional testing called the CLEC Application Verification Environment ("CAVE"). CAVE mirrors the production environment to ensure that new hardware and software releases facilitate successful order flow before the new releases are introduced to the production environment. *See Stacy-OSS Affidavit*, ¶ 117. CAVE allows testing of all major releases. BellSouth has implemented a CAVE help desk available from 8:00 a.m. to 5:00 p.m., Eastern Time, Monday through Friday, excluding BellSouth holidays. CLECs have access to CAVE 24 hours a day. *Stacy OSS Affidavit*, ¶ 125. BellSouth argues that CAVE satisfies the FCC's requirement that a BOC provide CLECs "with access to a stable testing environment to certify that [its] OSS will be capable of interacting smoothly and effectively with [the BOC's] OSS," and provides "a testing environment that mirrors the production environment in order for competing carriers to test the new release." *SWBT-TX Order*, ¶ 132.

(d) Performance Measures and Data Integrity

As required by this Commission, BellSouth has developed a comprehensive set of performance measures, which collectively are referred to as its SQM. BellSouth asserts that the SQM provide this Commission with an effective means to evaluate the quality

and timeliness of the access provided by BellSouth to CLECs. *Stacy Performance Affidavit,* ¶ 3.

In connection with the development of the SQM in early 1998, BellSouth began designing a system that could be used to collect, process, and report performance data to correspond with the performance measures reflected in the SQM. This system is called the Performance Measurements Analysis Platform ("PMAP"). Fully deployed in March 1999, BellSouth has continually enhanced PMAP such that the majority of the SQM values are processed, calculated, and reported through the PMAP platform. BellSouth employs a variety of smaller, special-purpose tools and manual processes to calculate and report the remaining SQM values. All SQM values are reported each month on BellSouth's PMAP website (https://pmap.bellsouth.com), including those values not currently calculated by PMAP. *Stacy Performance Reply Affidavit,* ¶ 5.[9]

In accordance with this Commission's December 1997 Order in Docket No. 7892-U, BellSouth designed the PMAP platform to produce raw data files containing the detailed, CLEC-specific transaction information underlying each applicable SQM report. BellSouth makes raw data available to CLECs via its PMAP website and has been doing so for years. In order to assist the CLECs in downloading, interpreting, and using the raw data, BellSouth publishes the Raw Data Users Manual and posts this document to the PMAP website. This document is updated as necessary to reflect any changes made to the reported metrics. *Id. at* ¶¶ 14-15.

BellSouth asserts that its performance data is verified and validated in four ways to maintain the integrity of the data and ensure that no data is lost. First, according to

[9]To underscore the size of the PMAP database, BellSouth notes that the current PMAP database is nearly the size of the entire Internet in 1999. *Stacy Performance Reply Affidavit* ¶ 10.

BellSouth, its systems have internal quality assurance controls. BellSouth's systems execute a number of validation checks to ensure that no records are lost between databases from the legacy systems to PMAP staging. In addition, raw data validation scripts are used to ensure that the raw data made available to CLECs can be used to produce the PMAP reports posted to the website. *Id. at* ¶ 24.

Second, BellSouth points out that it has implemented manual data validation processes within and between data processes that are applied to both BellSouth data and CLEC data. These validation processes can be divided into two categories – code validation and business validation. In the first process, the data production team analyzes and validates the code and verifies the computer programming to ensure that the data is produced in accordance with the code. The second validation process involves the Data Analysis team, which is a group of business analysts who perform reasonableness checks on the data. For example, they may review data for the current month compared to the previous month to see if volumes or volume changes are reasonable from a business standpoint. The Data Analysis team also ensures that accurate SQM definitions, business rules, and exclusions are applied to the data. Similarly, experts in the field (Network Operations, LCSC) review the performance results to validate the reasonableness of the results. *Id. at* ¶ 25.

Third, BellSouth points to the stringent review of its performance data generation process conducted by KCI at the direction of this Commission. KCI conducted a metrics evaluation in connection with the Georgia third-party test. Although in some cases the measures that KCI evaluated were different than the measures in the current SQM, BellSouth contends that the systems that were audited are the same as those from which